

JURISDICTION:
General Reference:

SOUTH CAROLINA
Code of Laws of South Carolina Annotated

Required Use of Safety Belts¹:

Requirements:

I. When operating a motor vehicle¹, the driver and every occupant shall wear a safety belt. §56-5-6520
II. When operating a motor vehicle¹, the driver shall require that every passenger >6 but <17 years old wear a safety belt. §56-5-6520
Secondary Enforcement. A law enforcement officer may not stop a driver for a violation of these requirements in the absence of another violation of the motor vehicle laws. However, such enforcement is possible via stops made at checkpoints established for the purpose of determining proper driver's licenses or vehicle registrations. A citation for a violation of these requirements cannot be issued unless a citation is also issued for the offense that caused the initial stop. §56-5-6540(B)

Sanctions for Failure to Use or
Require the Use of Safety Belts:

A fine of not more than **\$10**. There are no court costs for this offense. In addition, a person cannot be fined more than **\$20** for any one incident where more than one violation occurred. §56-5-6540(A) No points may be assessed against a person's driving record for a violation of these requirements. §65-5-6550

Effect on Civil Liability:

A violation of these requirements does not constitute negligence per se or contributory negligence and is not admissible as evidence in a civil action. §56-5-6540(C)

Required Use of Child Safety Restraint Systems²:

Requirements:

I. A person, when transporting a child ≤3 years old in a motor vehicle³ that is registered or is primarily operated on the highways or streets of this State, must secure such child in a Federally approved child restraint

Required Use of Child Safety Restraint Systems:
(continued)

Requirements: (continued)

system. §56-5-6410(1)
II. A person, when transporting a child, who is either 4 or 5 years old in a motor vehicle³ that is registered or is primarily operated on the highways or streets of this State, must secure such child either in a safety belt or in a Federally approved child restraint system. §56-5-6410(2)

¹**Exemptions.** The requirement to wear a safety belt does not apply in the following circumstances: (1) To persons who cannot use a safety belt because of physical or medical reasons; (2) to medical or rescue personnel attending to injured or sick individuals in an emergency vehicle; (3) to persons riding in school, church or day care buses; (4) to persons riding in public transportation vehicles except taxis; (5) to persons riding in vehicles in a parade; (6) to United States mail carriers; (7) to persons where a safety belt is not available because all seating positions with safety belts are already occupied; (8) to drivers who make frequent stops for pick up or delivery purposes; and, (9) to persons occupying the rear seat of a motor vehicle unless the vehicle is equipped with a shoulder harness in addition to the lap belt. §56-5-6530 Note: The passenger protection law does not provide a special definition for the term "motor vehicle" but it does require that safety belts comply with Federal requirements. §56-5-6520 Federal Motor Vehicle Motor Vehicle Safety Standard No. 208 (49 CFR 571.208), the Federal safety belt standard for motor vehicles, applies to passenger motor vehicles manufactured after January 1, 1973.

²**Exemptions.** These requirements do not apply in the following circumstances: (1) To children when all of the available seating positions with restraining devices are already occupied but priority must be given to children <6 years old according to their ages (§56-5-6420); to children who are being fed or who have physical impairment or medical problems that makes use of a child restraint system impractical (§56-5-6430); (3) to children riding in taxicabs, emergency vehicles when in official operation or vehicles operated by churches or day care centers (§56-5-6440); and, (4) to children riding in a school bus, public/commercial transportation vehicles (§56-5-6440).

³The term "motor vehicle" refers to a passenger car, pickup truck, van or recreational vehicle. §56-5-6410 The requirements under the child passenger restraint law apply only to motor vehicles that are equipped with safety belts. §56-5-6445

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Sanctions for Failure to Require
the Use of Child Restraint Systems:

A fine of not more than **\$25**. §56-5-6450 Note: The law does not appear to assign points for a violation of these requirements.

Effect on Civil Liability:

A violation of these requirements shall not constitute negligence per se or contributory negligence and shall not be admissible as evidence in any civil action. §56-5-6460

Required Use of Motorcycle Protective Headgear⁴:

Requirements:

When operating or riding on a two-wheeled motorized vehicle (motorcycle), a person <21 years old shall wear a State approved helmet. §56-5-3660

Sanctions for Failure to Use:

Misdemeanor: An imprisonment term of not more than **30 days** and/or a fine of not more than **\$100**. §56-5-3700 Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Motorcycle Eye Protection Device:

Requirements:

When operating or riding on a two-wheeled motorized vehicle (motorcycle), a person <21 years old shall wear State approved goggles or face shield. §56-5-3670 This requirement does not apply if the vehicle is equipped with a wind screen. §56-5-3680

Sanctions for Failure to Use:

Misdemeanor: An imprisonment term of not more than **30 days** and/or a fine of not more than **\$100**. §56-5-3700 Note: The law does not appear to assign points for a violation of this requirement.

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None

Sanctions for a Violation:

Exemptions:

⁴For persons ≥21 years old, the failure to wear a helmet is not considered contributory negligence in a civil action. *Mayes v. Paxton*, 437 S.E.2d 66 (S.C. 1993)

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